



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

TB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,780	03/07/2002	Jan Anderson	ANJ 001 P2	8727

34232 7590 06/18/2003  
MATTHEW R. JENKINS, ESQ.  
2310 FAR HILLS BUILDING  
DAYTON, OH 45419

EXAMINER

FERNSTROM, KURT

ART UNIT	PAPER NUMBER
----------	--------------

3712

DATE MAILED: 06/18/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,780

Applicant(s)

ANDERSON ET AL. *cn*

Examiner

Kurt Fernstrom

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____                                    |

Art Unit: 3712

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Because all of the limitations of claim 42 are already contained in claim 41, the claim is indefinite for failure to provide any further limitations to the claimed invention.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ojeda. Ojeda discloses in column 2, lines 8-11 and 45-54 a system of decorating an appliance (in this case, a playhouse) using flexible magnetic sheets to decorate the surfaces of the appliance. Ojeda further discloses in column 3, lines 24-29 that the sheets may be used to cover entire surfaces of the house. While Ojeda is directed to a playhouse, rather than an “appliance” of the type envisioned

Art Unit: 3712

by applicant, an “appliance” is not explicitly recited in the claims as part of the invention. Rather, only the sheet is recited, “for use on an appliance”. Also, “appliance” is a very broad term which can be used to describe a large variety of objects, such as the playhouse of Ojeda.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 9, 10, 31, 38-42, 45-47, 52, and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda. Saunders discloses in Figures 1 and 4 and in column 2, line 44 to column 3, line 11 a system for decorating an appliance such as a refrigerator comprising removable sheet members 24 and 24' having different patterns on them, which are selectively placed on surfaces of the appliance. Saunders fails to disclose the use of a flexible magnet sheet for decorating the surfaces. Ojeda discloses in column 2, lines 8-11 and 45-54 a system of decorating an appliance (in this case, a playhouse) using flexible magnetic sheets to decorate the surfaces of the appliance. Ojeda further discloses in column 3, lines 24-29 that the sheets may be used to cover entire surfaces of the house. It would have been obvious to one of ordinary skill in the relevant art to modify the device and method disclosed by Saunders by

Art Unit: 3712

providing a flexible magnetic sheet with decorative indicia thereon for the purpose of allowing the user to more easily decorate the appliance. With respect to claims 38 and 59, Ojeda discloses in column 3, lines 24-29 that the sheets are “dimensioned and shaped to fit a wall surface”.

Saunders also discloses that its panels are pre-formed to be placed on the appliance. With respect to claims 40-42 and 62-63, both single colored and multicolored types of patterns are extremely well known in decorating surfaces, and would have been obvious to one of ordinary skill in the art for the purpose of allowing the user to select a desired pattern for the decoration. With respect to claims 45 and 46, the combination of Saunders and Ojeda suggests the steps of covering all visible surfaces of the device, as Ojeda discloses that a user may cover all exterior surfaces of its device.

7. Claims 2-5, 16-19, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda in view of Carter. Ojeda discloses all of the limitations of the claims with the exception of the grid pattern which is used to measure and cut the sheet magnet to the desired size. Carter discloses in Figure 1 and in column 1, line 33 to column 5, line 56 of the specification a device comprising a grid sheet 1 having a grid thereon, which is placed over a material for the purpose of measuring and cutting the material to the desired size. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Ojeda by providing a grid pattern on a grid sheet for the purpose of allowing the user to easily measure and cut the sheet to a desired size, particularly given that Carter suggests in column 5, lines 40-44 that the advantages of its device may be employed in a wide variety of areas. With respect to claims 3

Art Unit: 3712

and 18, when the grid sheet is placed over the material before cutting, the grid is thereby “situated” on the material.

8. Claims 6, 7, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda in view of Nesbitt. Ojeda discloses all of the limitations of claims 6 and 7 with the exception of the various means for placing indicia on the sheet. Each of the claimed means is a well known means of applying indicia to a surface. Nesbitt discloses in column 4, lines 58-63 of the specification a flexible sheet magnet 12 for decorating an object comprising indicia 3, 4, 5 and 8 which are applied to the sheet using painting or silk screening methods. Nesbitt further discloses in column 5, lines 14-41 that a decorative sheet 13 may be laminated onto the magnetic sheet. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Ojeda by using silk screening, painting or lamination for the purpose of providing decorative indicia on the magnetic sheet.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda. Ojeda discloses all of the limitations of the claims with the exception of the single color or multicolor patterns. However, both types of patterns are extremely well known in decorating surfaces, and would have been obvious to one of ordinary skill in the art for the purpose of allowing the user to select a desired pattern for the decoration.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda in view of Nesbitt, and further in view of Ozgen. Ojeda as viewed in combination with Nesbitt discloses all of the limitations of the claims with the exception of the line of weakness in the sheet magnet.

Art Unit: 3712

Ozgen discloses in Figure 1 and in column 3, lines 25-40 of the specification a flexible sheet magnet for decorating an appliance such as a refrigerator, comprising lines of weakness 44-48. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Ojeda as viewed in combination with Nesbitt by providing a line of weakness for the purpose of allowing the user to easily separate the magnet into smaller portions. While the use of the device is not the same as that of the claimed invention, the phrase "may be folded" is considered to be functional language which describes the intended purpose of the feature, rather than providing any further concrete limitations to the claim, and thus is deemed to have little if any patentable weight. Also, to the extent that the phrase does have patentable weight, the sheet of Ozgen "may be folded", that is, it is capable of being folded, along the weakness lines.

11. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda in view of Carter, and further in view of Nesbitt. Ojeda as viewed in combination with Carter discloses all of the limitations of claims 20 and 21 with the exception of the various means for placing indicia on the sheet. Each of the claimed means is a well known means of applying indicia to a surface. Nesbitt discloses in column 4, lines 58-63 of the specification a flexible sheet magnet 12 for decorating an object comprising indicia 3, 4, 5 and 8 which are applied to the sheet using painting or silk screening methods. Nesbitt further discloses in column 5, lines 14-41 that a decorative sheet 13 may be laminated onto the magnetic sheet. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Ojeda as viewed in

Art Unit: 3712

combination with Carter by using silk screening, painting or lamination for the purpose of providing decorative indicia on the magnetic sheet.

12. Claims 16, 23, 24, 29, 30, 32-35, 48-51 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda, and further in view of Carter. Saunders as viewed in combination with Ojeda discloses all of the limitations of the claims with the exception of the grid pattern which is used to measure and cut the sheet magnet to the desired size. Carter discloses in Figure 1 and in column 1, line 33 to column 5, line 56 of the specification a device comprising a grid sheet 1 having a grid thereon, which is placed over a material for the purpose of measuring and cutting the material to the desired size. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Saunders as viewed in combination with Ojeda by providing a grid pattern on a grid sheet for the purpose of allowing the user to easily measure and cut the sheet to a desired size, particularly given that Carter suggests in column 5, lines 40-44 that the advantages of its device may be employed in a wide variety of areas. With respect to claims 48 and 49, Carter discloses the steps of tracing a desired pattern onto the sheet, and then using the tracing to cut the material.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda and Carter, and further in view of Nesbitt. Saunders as viewed in combination with Ojeda and Carter discloses all of the limitations of claim 27 with the exception of the claimed thickness of the sheet. Nesbitt discloses in column 5, lines 42-47 that a thickness of 20 to 60 mm is generally used. It would have been obvious to one of ordinary skill in the relevant art to modify



Art Unit: 3712

the system disclosed by Saunders as viewed in combination with Ojeda and Carter by using a sheet magnet with the claimed thickness for the purpose of making the sheet more flexible, particularly given that the appliance of Nesbitt (a truck) inherently has many different contours and surfaces to be covered. As shown in Figure 1, the sheet 12 and the flexible magnetic plates 10 are bent to cover more than one surface.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ojeda in view of Carter, and further in view of Ozgen. Ojeda as viewed in combination with Carter discloses all of the limitations of the claim with the exception of the line of weakness in the sheet magnet. Ozgen discloses in Figure 1 and in column 3, lines 25-40 of the specification a sheet magnet for decorating an appliance such as a refrigerator, comprising lines of weakness 44-48. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Ojeda as viewed in combination with Carter by providing a line of weakness for the purpose of allowing the user to easily separate the magnet into smaller portions. While the use of the device is not the same as that of the claimed invention, the phrase "may be folded" is considered to be functional language which describes the intended purpose of the feature, rather than providing any further concrete limitations to the claim, and thus is deemed to have little if any patentable weight. Also, to the extent that the phrase does have patentable weight, the sheet of Ozgen "may be folded", that is, it is capable of being folded, along the weakness lines.

15. Claims 36, 37, 43, 57, 58, 64 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda, and further in view of Nesbitt. Saunders as viewed

Art Unit: 3712

in combination with Ojeda discloses all of the limitations of claims 36, 37, 57 and 58 with the exception of the various means for placing indicia on the sheet. Each of the claimed means is a well known means of applying indicia to a surface. Nesbitt discloses in column 4, lines 58-63 of the specification a flexible sheet magnet 12 for decorating an object comprising indicia 3, 4, 5 and 8 which are applied to the sheet using painting or silk screening methods. Nesbitt further discloses in column 5, lines 14-41 that a decorative sheet 13 may be laminated onto the magnetic sheet. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Saunders as viewed in combination with Ojeda by using silk screening, painting or lamination for the purpose of providing decorative indicia on the magnetic sheet. Saunders as viewed in combination with Ojeda discloses all of the limitations of claims 43 and 64 with the exception of the claimed thickness of the sheet. Nesbitt discloses in column 5, lines 42-47 that a thickness of 20 to 60 mm is generally used. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Saunders as viewed in combination with Ojeda by using a sheet magnet with the claimed thickness for the purpose of making the sheet more flexible, particularly given that the appliance of Nesbitt (a truck) inherently has many different contours and surfaces to be covered. As shown in Figure 1, the sheet 12 and the flexible magnetic plates 10 are bent to cover more than one surface.

16. Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda, and further in view of Ozgen. Saunders as viewed in combination with Ojeda discloses all of the limitations of the claim with the exception of the line of weakness in the sheet magnet.

Art Unit: 3712

Ozgen discloses in Figure 1 and in column 3, lines 25-40 of the specification a flexible sheet magnet for decorating an appliance such as a refrigerator, comprising lines of weakness 44-48. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Saunders as viewed in combination with Ojeda by providing a line of weakness for the purpose of allowing the user to easily separate the magnet into smaller portions. While the use of the device is not the same as that of the claimed invention, the phrase "may be folded" is considered to be functional language which describes the intended purpose of the feature, rather than providing any further concrete limitations to the claim, and thus is deemed to have little if any patentable weight. Also, to the extent that the phrase does have patentable weight, the sheet of Ozgen "may be folded", that is, it is capable of being folded, along the weakness lines.

17. Claims 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Ojeda and Nesbitt, and further in view of Ozgen. Saunders as viewed in combination with Ojeda and Nesbitt discloses all of the limitations of the claim with the exception of the line of weakness in the sheet magnet. Ozgen discloses in Figure 1 and in column 3, lines 25-40 of the specification a flexible sheet magnet for decorating an appliance such as a refrigerator, comprising lines of weakness 44-48. It would have been obvious to one of ordinary skill in the relevant art to modify the system disclosed by Saunders as viewed in combination with Ojeda and Nesbitt by providing a line of weakness for the purpose of allowing the user to easily separate the magnet into smaller portions. While the use of the device is not the same as that of the claimed invention, the phrase "may be folded" is considered to be functional language which describes the intended

Art Unit: 3712

purpose of the feature, rather than providing any further concrete limitations to the claim, and thus is deemed to have little if any patentable weight. Also, to the extent that the phrase does have patentable weight, the sheet of Ozgen "may be folded", that is, it is capable of being folded, along the weakness lines.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Griffin, Watson and Yamamoto disclose flexible sheet magnets. Lee, Harris and Robell disclose various grid patterns for measuring and cutting a material.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303.

KF

June 12, 2003

*Kurt Fernstrom*  
Kurt Fernstrom